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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,244	02/02/2004	Steven A. Schneider	3614	
75	90 09/17/2004		EXAMINER	
STEVEN A. SCHNEIDER P.O. BOX 2758			VALENTI, ANDREA M	
SAN RAFAEL, CA 94912-2758			ART UNIT	PAPER NUMBER
			3643	
			DATE MAILED: 09/17/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Application No. Application No. Application No. 10771;244 SCHNEIDER, STEVEN A.							
Examiner Andrea M. Valenti 343 — The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the providence of 3 CFR 1.138(a), in no event, however, may a reply be timely filled If the peeriod from ply specified solve is less than thirty (30 spa, a reply which he statutory mirror or thirty (30) spay will be considered timely. If the peeriod for reply is appelled above, the macinium statutory period will apply and will expire SK (6) MCNPTIS from the mailing date of this communication, and the peeriod of the communication, even if timely filled, may reduce any searned patient term adjustment. See 37 CFR 1.704(b). This action is FINAL. 1) ■ Responsive to communication(s) filled on 02 February 2004. 2a) ■ This action is FINAL. 2b) ■ This action is non-final. 3) ■ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ■ Claim(s) ★ Islane pending in the application. 4a) Of the above claim(s) ★ Islane allowed the service of the source of the source of the service of		Application No.	Applicant(s)				
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DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the reference numbers should be in parenthesis. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 2 and 4 are objected to because of the following informalities:

Claims 2 and 4, 'agricultural, turf' should be -agricultural turf--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent DE 3502296 to Steinbronn.

Regarding Claim 1, Steinbronn teaches a plurality of contiguous concave reservoir basins (Fig. 1 #10) containing holes (Fig. 2 #9) within crests of basin walls separating such basins.

Regarding Claim 2, Steinbronn teaches it buried relatively horizontal to a soil surface beneath agricultural crops, agricultural, turf, garden, forestry and other cultivars or plant seeds (Fig. 1 #6).

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Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Pub. No. US 2002/0005012 A1 to Cochran.

Regarding Claim 1, Cochran teaches a plurality of contiguous concave reservoir basins (Fig. 2 #20 and 22) containing holes (Fig. 1 #26) within crests of basin walls separating such basins.

Regarding Claim 2, Cochran teaches it buried relatively horizontal to a soil surface beneath agricultural crops, agricultural, turf, garden, forestry and other cultivars or plant seeds (Fig. 1).

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Pub. No. US 2003/0082359 A1 to Paine.

Regarding Claim 1, Paine teaches a plurality of contiguous concave reservoir basins (Fig. 6A #280) containing holes (Fig. 6A #230) within crests of basin walls separating such basins.

Regarding Claim 2, Paine teaches it buried relatively horizontal to a soil surface beneath agricultural crops, agricultural, turf, garden, forestry and other cultivars or plant seeds (Fig. 1 #130).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent DE 3502296 to Steinbronn.

Regarding Claims 3 and 4, Steinbronn teaches strips of material each comprising a plurality of contiguous concave reservoir basins (Fig. 1 #10) whereby such strips are buried (Fig. 1 #6), but is silent on the strips are spaced apart so as to provide a nominal opening between each strip of such material. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the duplication of a known device for a multiple effect placed in a configuration that optimizes coverage area and is relative to the location of the plants/crop above to optimize irrigation to the plants/crop that might be planted in parallel rows.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. US 2002/0005012 A1 to Cochran.

Regarding Claims 3 and 4, Cochran teaches the strips of material each comprising a plurality of contiguous concave reservoir basins whereby such strips are buried (Fig. 1 and 2), but is silent on the strips are spaced apart so as to provide a nominal opening between each strip of such material. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the duplication of a known device for a

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multiple effect placed in a configuration that optimizes coverage area and spaced a distance apart to be placed in front of parallel grave sites.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. US 2003/0082359 A1 to Paine.

Regarding Claims 3 and 4, Paine teaches strips of material each comprising a plurality of contiguous concave reservoir basins (Fig. 6A #280) whereby such strips are buried, but is silent on the strips are spaced apart so as to provide a nominal opening between each strip of such material. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the duplication of a known device for a multiple effect placed in a configuration that optimizes coverage area and is relative to the location of the plants/crop above to optimize irrigation to the plants/crop that might be planted in parallel rows.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

European Patent EP 266701 A2; United Kingdom Patent GB 2048635 A; United Kingdom Patent GB 2199474 A; U.S. Patent No. 6,428,870 B1; U.S. Patent No. 6,672,016 B2; U.S. Patent No. 3,849,991; U.S. Patent No. 3,443,385; U.S. Patent No. 3,528,251; U.S. Patent No. 640,077; U.S. Patent No. 4,889,758; U.S. Patent No. 6,385,903.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea M. Valenti
Patent Examiner
Art Unit 3643

31 August 2004

Peter M. Poon

Vet a Va

Supervisory Patent Examiner Technology Center 3600

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